

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re: Carol Kautman,

Debtor.

Case No. 21-30826

Chapter 13

Hon. Joel D. Applebaum

**OBJECTION BY THE UNITED STATES  
TO CONFIRMATION OF DEBTOR'S PROPOSED PLAN**

The United States of America, by its attorneys, Acting United States Attorney, Saima S. Mohsin, and Assistant United States Attorney, Kevin R. Erskine, on behalf of the Internal Revenue Service, objects to the confirmation of the debtor's plan ("Plan") for the following reasons:

1. Debtor filed a voluntary petition for protection under Chapter 13 of the Bankruptcy Code on May 27, 2021, and filed this plan on the same date.

2. The IRS's current proof of claim is in the amount of \$135,526.53 and consists of:

Secured Claim:	\$24,922.07
Priority Claim:	\$0.00
General Unsecured Claim:	\$110,604.46
<b>Total</b>	<b>\$135,526.53</b>

3. **Failure to Properly Treat the Secured Claim.** The IRS's secured claim is in the amount of \$24,922.07 and is a Class 5.1 claim that must be paid in

full through the Plan, in equal monthly payments, with the IRS to retain its liens and to receive interest at the IRC rate in effect on the date of confirmation (currently 3%). *See* 11 U.S.C. § 1325(a)(5)(B). The IRS does not consent to the alternative treatment of the secured claim as proposed by the Plan. *See* 11 U.S.C. § 1325(a)(5)(A).

4. **Feasibility Not Met.** The proposed Chapter 13 plan also lacks feasibility. A debtor bears the burden of demonstrating all the plan payments will be made. 11 U.S.C. § 1325(a)(6). Based on the debtor's own numbers, when taking into account the claims not properly scheduled, together with those that are properly scheduled, the plan is not feasible. The debtor has no apparent source of funding to make up the shortfall.

WHEREFORE, the United States respectfully requests that this Court deny confirmation of the debtor's Plan for the forgoing reasons and grant such further and additional relief as deemed just and appropriate.

Dated: June 30, 2021

SAIMA S. MOHSIN  
Acting United States Attorney

/s/Kevin R. Erskine  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2021, I electronically filed the Objection By  
The United States To Confirmation Of Debtor's Proposed Plan using the ECF  
System which will send notification of such filings to all counsel of record.

/s/Kevin R. Erskine

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